

### **REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-40 in the application. The Applicant has amended Claims 1, 11, 21 and 31. No Claims have been canceled or added. Accordingly, Claims 1-40 are currently pending in the application.

**I. Rejection of Claims 1, 5-6, 10-11, 16, 20-21, 25-26, 30-31, 35-36 and 40 under 35 U.S.C. §112**

The Examiner has rejected Claims 1, 5-6, 10-11, 16, 20-21, 25-26, 30-31, 35-36 and 40 under 35 U.S.C. §112, paragraph 2, for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.. More specifically, the Examiner asserts that “couplable” renders the above Claims indefinite because a definition of “couplable” has not be found in a dictionary. (Examiner’s Action, page 2).

The Applicant respectfully disagrees since “couplable” is a well known term used in the claims of issued patents. (See , for example, U.S. Patent No. 6, 690,67; 4,455,644; 5,835,566). Additionally, one skilled in the pertinent art will understand couplable to be defined as “capable of being coupled.” Accordingly, Claims 1, 5-6, 10-11, 16, 20-21, 25-26, 30-31, 35-36 and 40 are not indefinite and the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §112, paragraph 2, rejection thereof.

**II. Rejection of Claims 1-30 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,119,173 to Pullen, *et al.* (Pullen). Additionally, the Examiner refers to U.S. Patent No.

5,495,484 to Self, *et al.* (Self) that is incorporated in Pullen to provide details on a distributed telecommunications system. The Applicants respectfully disagree.

Neither Pullen nor Self teach an IOD configured to receive call and control processing commands in a packet based protocol and convey these commands to a circuit-switched matrix and line interface to allow, based on those commands, the circuit-switched matrix and line interface to control access to a plurality of access nodes. (Claims 1, 11 and 21). Pullen is directed to a system and method for communications and process management in a distributed telecommunications switch. (Column 1, lines 30-34). Pullen teaches a distributed telecommunications switching system 10 including a service unit 12 that provides control and management on an advanced intelligent network (AIN) service platform using information network architecture (INA) software design principles. Distributed telecommunications switching system 10 also includes a plurality of delivery units 14 coupled to service unit 12 that provide the message transport mechanism for call information under the control and management of service unit 12. Service unit 12 and delivery units 14 may communicate with one another through a fiber optic-based or electrical-based network ring 16. Details on the distributed telecommunications switching system 10 are provided by Self. (Column 2, line 63 to Column 3, line 13).

Pullen or the incorporated Self, however, do not teach each and every element of independent Claims 1, 11 and 21. On the contrary, the Applicant does not find where Pullen or Self teach an IOD that is configured to receive packet protocol-based call and control processing commands and convey those commands to a circuit-switched matrix and line interface that controls access to a plurality of nodes based on those commands conveyed. Neither appear to teach a switching platform that provides the advantages normally associated with a circuit switched environment, while, at the same

time, transporting communications control data packets containing call set-up/tear-down and other interim and related call processing and control messages over a packet network as provided by the claimed invention. Instead, Self appears to teach away from employing a switching matrix to access nodes in favor of a ring network. (Column 3, lines 28-43 and FIGURE 2).

Additionally, the delivery units 14 in Self or Pullen do not control access to a plurality of access nodes based on the call and control processing commands from a MCU as conveyed by the IOD as recited in independent Claims 1, 11 and 21. Self does teach providing some central control but the delivery units 14 in Self are configured to perform call connections based on the end user instead of information from the service unit 12. (Column 4, lines 35-41 and Column 8, lines 7-13). Thus, Pullen and the incorporated Self do not teach each and every element of Claims 1, 11 and 21.

Therefore, Pullen and the incorporated Self do not disclose each and every element of independent Claims 1, 11 and 21 and as such, are not anticipating references of Claims 1, 11 and 21 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1-30 and allow issuance thereof.

### **III. Rejection of Claims 31-40 under 35 U.S.C. §102**

The Examiner has rejected Claims 31-40 under 35 U.S.C. §102(e) as being anticipated by Pullen and for the details of the distributed telecommunications system of Self that is incorporated therein. (Examiner's Action, page 7). The Applicant respectfully disagrees.

As discussed above, Pullen or the incorporated Self do not teach an IOD that is configured to receive packet protocol-based call and control processing commands and convey those commands to a circuit-switched matrix and line interface that controls access to a plurality of nodes base on

those commands conveyed as recited in Claims 1, 11 and 21. Independent Claim 31 also includes an IOD that is configured to receive packet protocol-based call and control processing commands and convey those commands to a circuit-switched matrix and line interface that controls access to a plurality of nodes base on those commands conveyed as recited in Claims 1, 11 and 21. Therefore, Pullen and the incorporated Self also do not disclose each and every element of independent Claim 31.

Neither Pullen nor Self, therefore, are anticipating references of Claim 31 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 31-40 and allow issuance thereof.

#### **IV. Comment of References Cited**

The Applicant reserves further review of the references cited but not relied upon if relied upon in the future.

**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-40.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read "J. Joel Justiss". The signature is fluid and cursive, with the first name "J." being a simple loop, and "Joel Justiss" written in a more elaborate, flowing script.

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